

FILED

**United States Court of Appeals
Tenth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

July 9, 2018

**Elisabeth A. Shumaker
Clerk of Court**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON MITCHELL ABBO,

Defendant - Appellant.

No. 18-6081
(D.C. No. 5:16-CV-00722-M)
(W.D. Okla.)

ORDER

On June 8, 2018, this court abated this appeal and issued a limited remand to allow the district court to consider in the first instance whether to issue a certificate of appealability (COA) to appellant Jason Mitchell Abbo regarding its dismissal of his 28 U.S.C. § 2255 petition. *See* 28 U.S.C. § 2253(c)(1); *United States v. Higley*, No. 17-1111 (10th Cir. Sept. 29, 2017) (unpublished). The court directed Mr. Abbo to file a status report on or before July 9, 2018.

This matter is now before the court on Mr. Abbo's status report advising this court that the district court has not yet decided his motions for a COA and for leave to proceed in forma pauperis (IFP) on appeal. Upon consideration of Mr. Abbo's status report and review of the district court docket, the court continues the abatement of this appeal and directs Mr. Abbo to file a written report—on or before August 8, 2018—advising this court whether the district court has addressed his motions for COA and IFP.

The court directs the Clerk of the district court to supplement the preliminary record when the district court issues its decision regarding COA.

The court reminds counsel that all future filings must comply with this court's requirements regarding Electronic Case Filing. *See* 10th Cir. R. 25.3; 10th Cir. CM/ECF User's Manual § II(J).

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "LA Lee".

by: Lisa A. Lee
Counsel to the Clerk